Remarks

I. Introduction

This is in response to the Office Action dated December 1, 2008.

The Office Action rejected claims 1-17 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2005/0190775 (Tonnby). The Office Action rejected claims 18-20 under 35 U.S.C. §103(a) as being unpatentable over Tonnby in view of U.S. Patent No. 5,835,725 to Chiang et al. (Chiang).

Claims 1-20 are pending.

II. Rejections under 35 U.S.C. § 102

Independent claims 1 and 10 were rejected as being anticipated by Tonnby. In order for a claim to be anticipated under 35 U.S.C. §102, **each and every** limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). In the present case, Tonnby does not show each and every limitation of independent claims 1 and 10. Therefore, applicants request the withdrawal of the rejections under 35 U.S.C. §102(e).

The present invention relates to establishing a network connection by requesting different IP addresses for different types of connections. The type of connection being established is indicated by a quality of service parameter in a request for the connection. For example, the quality of service parameter may indicate whether the requested connection is for a multimedia connection or a data connection. As described at page 16, line 17-21 of the specification, a request for a first or second network address may be implemented by a media access controller (MAC) using a first or second MAC address, respectively. Accordingly, when a multimedia connection is requested, a request is sent from the MAC for a first network address using a first MAC address. When a data connection is requested, a request is sent from the MAC for a second network

address using a second MAC address. As described at page 12, lines 11-20 of the specification, a MAC typically has a single MAC address. However, in this invention, a single MAC is assigned two MAC addresses, which are used to request two different types of IP addresses.

Independent claim 1 recites the above described aspects of the present invention. In particular, independent claim 1 recites the limitation of "sending a second request for one of a plurality of network addresses using one of first and second MAC addresses associated with said MAC based on said quality of service parameter."

Tonnby does not disclose this limitation of independent claim 1, and therefore does not anticipate independent claim 1 under the strict anticipation standard of §102.

Tonnby is directed to an access system for relating communication service providers and application service providers to users. As described in Tonnby, as user decision including VLAN, service and user port is sent to an administrator, which dynamically allocates to a relevant service agent a MAC address, defining a relation. As described in paragraph [0053] of Tonnby, when a user requests a certain service, an administrator dynamically assigns a MAC address to a particular service port to define a relationship between that service port and a particular user port. Although this paragraph describes allocating a first MAC address SAMAC1 to service port PT1 and a second MAC address SAMAC2 to service port PT2, each of these MAC addresses is the MAC address of a separate user device. As described at paragraph [0060] of Tonnby, "each of these MAC addresses is associated with only one particular of the user ports UP11-UPk1". Furthermore, as described at paragraph [0054] of Tonnby, "[a]ny of the user devices has **one** globally administrated MAC address, which is given by the manufacturer of the device". (Emphasis added). Accordingly, Tonnby does not describe two MAC addresses assigned to the same device. Therefore, Tonnby fails to disclose "sending a second request for one of a plurality of

network addresses using one of first and second MAC addresses associated with said MAC based on said quality of service parameter," as recited in independent claim 1.

Thus, for the reasons discussed above, independent claim 1 is allowable over the cited art. Since each of claims 2-9 depend from allowable independent claim 1, these claims are also allowable.

Independent claim 10 is directed to apparatus, and recites the following limitations:

> a media access controller (MAC) having a plurality of MAC addresses;
> a requesting agent to connect to said MAC, said requesting agent to send a first request for a network address; and
> a driver module to connect to said MAC and said requesting agent, said driver module to receive said first request and determine whether said first request is for one of a multimedia connection or data connection, said driver module to instruct said MAC to send a second request for a first network address using a first MAC address if said first request is for a multimedia connection, and to send a second request for a second network address using a second MAC address if said first request is for a data connection.

As described above with respect to independent claim 1, Tonnby does not disclose a media access controller that has multiple different MAC addresses assigned thereto. Therefore, Tonnby fails to disclose "a media access controller (MAC) having a plurality of MAC addresses," as recited in independent claim 10.

Thus, for the reasons discussed above, independent claim 10 is allowable over the cited art. Since each of claims 11-17 depend from allowable independent claim 10, these claims are also allowable.

III. Rejections under 35 U.S.C. § 103

Independent claim 18 was rejected as being unpatentable over Tonnby in view of Chiang. In order to "establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also MPEP § 2143.03. Neither of the cited references, either alone or in combination, teach all of the claim limitations of independent claim 18. Therefore, Applicants request the withdrawal of the rejections under 35 U.S.C. §103(a).

Independent claim 18 is directed to a computer readable medium storing executable instructions, and recites similar limitations to independent claim 1.

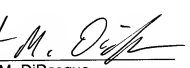
For the reasons described above with respect to independent claim 1, Tonnby fails to disclose "sending a second request for one of a plurality of network addresses using one of first and second MAC addresses associated with said MAC based on said quality of service parameter," as recited in independent claim 1. Further, this limitation of independent claim 18 is not disclosed in Chiang, and the Office Action does not allege that this limitation is disclosed in Chiang.

Thus, for the reasons discussed above, independent claim 18 is allowable over the cited art. Since claims 19-20 depend from allowable independent claim 18, these claims are also allowable.

IV. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



Steven M. DiPasquo
Reg. No. 54,754
Attorney for Applicant
Tel.: 973-530-2076

Date: April 1, 2009
AT&T Corp
Room 2A-207
One AT&T Way
Bedminster, NJ 07921